

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In the Matter of:

EDGAR B. GOMEZ

Debtor

Chapter 13

Case No. 16-11561-BFK

OBJECTION TO PROPERTY CLAIMED AS EXEMPT,
NOTICE OF OBJECTION TO PROPERTY CLAIMED AS EXEMPT
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, files this objection pursuant to F. R. Bankr. P. 4003(b) to Debtor's claim of property as exempt. The cause for this objection is as follows:

Debtor claims 100% of his real property located at 7040 Canterbury Lane in Alexandria, Virginia as exempt on his Schedule C as the property is held as a tenancy by the entireties. Trustee objects to Debtor's claim of exemptions as Debtor is attempting to shield the entirety of the equity in his real estate from his joint creditors as well. *See Williams v. Peyton*, 104 F.3d 688 (4th Cir. 1997).

Additionally, Debtor's exemptions under Va. Code Ann. §34-4 total \$5,140.00, which exceeds the statutory maximum of \$5,000.00 of allowable exemptions.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, the on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and

Trustee's Objection to Exemptions

Edgar B. Gomez, Case # 16-11561-BFK

supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Attend the hearing to be held on July 28, 2016 at 1:30 p.m. in Courtroom #3 on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing. A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Suite 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: ____ June 29, 2016 ____

____/s/ Thomas P. Gorman____

Thomas P. Gorman
Chapter 13 Trustee
300 North Washington St., #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of June, 2016, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Exemptions, Notice of Objection and Notice of Hearing to the following parties.

Edgar B. Gomez
Chapter 13 Debtor
8914 Grist Mill Woods Court
Alexandria, VA 22309

Nathan Fisher, Esq.
Attorney for Debtor
3977 Chain Bridge Rd., #2
Fairfax, VA 22030

_____/s/ Thomas P. Gorman_____
Thomas P. Gorman